



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT PUBLIC NOTICE

AVAILABILITY OF A NATIONWIDE PERMIT PRE-CONSTRUCTION (PCN) CHECKLIST

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

DATE: 18 OCTOBER 2005

The U.S. Army Corps of Engineers, San Francisco District, announces the availability of a Nationwide Permit Pre-construction Notification (PCN) Checklist. This regional standard format for Nationwide permit (NWP) pre-construction notifications (PCN) is designed to allow applicants within the Corps' South Pacific Division (SPD) to specifically and comprehensively address NWP terms and conditions within their PCN's. Use of the checklist is optional for all applicants within the four SPD Districts: Los Angeles (SPL), San Francisco (SPN), Albuquerque (SPA), and Sacramento (SPK) Districts.

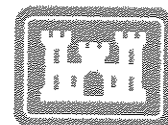
Nationwide permit regulations and regional conditions contain complex activity- and location-specific requirements. The primary benefit of this draft NWP PCN checklist is to save applicants time by allowing them to comprehensively address all NWP requirements using one straightforward form, thereby reducing the likelihood of the applicant receiving subsequent requests for information (assuming the checklist is filled out correctly and includes the required attachments, e.g. drawings).

The Nationwide Permit Pre-construction Notification (PCN) Checklist will be available on the San Francisco District Regulatory website (<http://www.spn.usace.army.mil/regulatory/>) as of October 21, 2005, as a text-entry Word-format form. The checklist has also been attached to this public notice (see below).

U.S. Army Corps of Engineers

South Pacific Division

Nationwide Permit Pre-Construction Notification (PCN) Form



This form integrates requirements of the Nationwide Permit Program within SPD, including General and Regional Conditions. Please consult instructions prior to completing this form.

Box 1 Project Name		Applicant Name	
Applicant Title		Applicant Company, Agency, etc.	
Mailing Address			
Work Phone with area code	Home Phone with area code	Fax #	E-mail Address
Relationship of applicant to property: <input type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input type="checkbox"/> Other _____			
Application is hereby made for verification that subject regulated activities associated with subject project qualify for authorization under a Corps nationwide permit or permits as described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work <u>only</u> after all necessary permits have been received.			
Signature of applicant			Date

Box 2 Authorized Agent/Operator Name and Signature <i>(If an agent is acting for the applicant during the permit process)</i>	
Agent/Operator Title	Agent/Operator Company, Agency, etc.
Mailing Address	

E-mail Address			
Work Phone with area code	Home Phone with area code	Fax #	Cell Phone #
I hereby authorize the above named authorized agent to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. I understand that I am bound by the actions of my agent and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit.			
Signature of applicant			Date
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate.			
Signature of authorized agent			Date

BOX 3 NAME OF PROPERTY OWNER(S), IF OTHER THAN APPLICANT:	
Owner Title	Owner Company, Agency, etc.
Mailing Address	
Work Phone	Home Phone

BOX 4 NAME OF CONTRACTOR(S) (IF KNOWN):	
Contractor Title	Contractor Company, Agency, etc.
Mailing Address	
Work Phone	Home Phone

Include multiple copies of Box 5 for separate sites.

Box 5 Site Number ___ of ___. Project location(s), including street address, city, county, state, zip code where proposed activity will occur:	
Waterbody (if known, otherwise enter "an unnamed tributary to"):	
Tributary to what known, downstream waterbody:	
Latitude & longitude (D/M/S, DD, or UTM):	Zoning Designation (no codes or abbreviations):

Assessors parcel number:	Section, Township, Range:
USGS Quad map name:	
Watershed and other location descriptions, if known:	
Directions to the project location:	
Nature of Activity (Description of project, include all features, see instructions):	
Project Purpose (Description the reason or purpose of the project, see instructions):	

Use Box 6 if dredged and/or fill material is to be discharged:

Box 6 Reason(s) for Discharge into waters of the United States:
Type(s) of material being discharged and the amount of each type in cubic yards:
Total surface area in acres of wetlands or other waters of the U.S. filled (see instructions):

Indicate in ACRES and LINEAR FEET (where appropriate) the proposed **waters of the United States** to be impacted, and identify the impact(s) as permanent and/or temporary for each water body type listed below:

Water Body Type	Permanent		Temporary	
	Acres	Linear feet	Acres	Linear feet
Wetland				
Riparian streambed				
Unveg. streambed				
Lake				
Ocean				
Other				
Total:				

Required drawings (see instructions):

Vicinity map: ☐ Attached (or mail copy separately if applying electronically)

To-scale Plan view drawing(s): ☐ Attached (or mail copy separately if applying electronically)

To-scale elevation and/or Cross Section drawing(s): ☐ Attached (or mail copy separately if applying electronically)

Has a wetlands/waters of the U.S. delineation been completed?

☐ Yes, Attached (or mail copy separately if applying electronically) ☐ No

If a delineation has been completed, has it been verified in writing by the Corps?

☐ Yes, Date of approved jurisdictional determination: _____ Corps file number: _____ ☐ No

Please attach¹ one or more color photographs of the existing conditions (aerials if possible).

¹or mail copy separately if applying electronically

Dredge Volume: Indicate in CUBIC YARDS the proposed waters of the United States:

Indicate type(s) of material proposed to be discharged in waters of the United States:

For proposed discharges of dredged material into waters of the U.S. (including beach nourishment), please attach² a proposed Sampling and Analysis Plan (SAP) prepared according to Inland Testing Manual (ITM) guidelines (including Tier I information, if available).

²or mail copy separately if applying electronically

Is any portion of the work already complete? ☐ YES ☐ NO
 If yes, describe the work:

Box 7 Intended permit type³: NWP03
 Intended permit type (2nd): **NWP14**
 Intended permit type (3rd): **n/a**

³ Select the applicable permit type(s) from the dropdown lists. See NWP regulations for permit types and qualification information (<http://www.spl.usace.army.mil/regulatory/2002NWPs.pdf>).

Box 8 Authority:

Is Section 10 of the Rivers and Harbors Act applicable?: ☐ YES ☐ NO

Is Section 404 of the Clean Water Act applicable?: ☐ YES ☐ NO

Box 9 List of other certifications or approvals/denials received from other federal, state, or local agencies for work described in this application:

Agency	Type Approval ⁴	Identification No.	Date Applied	Date Approved	Date Denied

⁴ Would include but is not restricted to zoning, building, and flood plain permits

Box 10 Is the discharge of fill or dredged material for which Section 10/404 authorization is sought part of a larger plan of development?: ☐ YES ☐ NO

If discharge of fill or dredged material is part of development, name and proposed schedule for that larger development (start-up, duration, and completion dates):

Location of larger development (If discharge of fill or dredged material is part of a plan of development, a map of suitable quality and detail of the entire project site should be included):

Total area in acres of entire project area (including larger plan of development, where applicable):

Box 11 Threatened or Endangered Species

Please list any federally-listed (or proposed) threatened or endangered species or critical habitat within the project area (use scientific names (e.g., Genus species), if known):

- | | |
|----|----|
| a. | b. |
| c. | d. |
| e. | f. |

Have surveys, using U.S. Fish and Wildlife Service/NOAA Fisheries protocols, been conducted?

☐ Yes, Report attached (or mail copy separately if applying electronically) ☐ No

If a federally-listed species would be impacted, please provide a description and a biological evaluation.

☐ Yes, Report attached (or mail copy separately if applying electronically) ☐ Not attached

Has the USFWS/NOAA Fisheries issued a Biological Opinion?

☐ Yes, Attached (or mail copy separately if applying electronically) ☐ No

If yes, list date Opinion was issued:

Has Section 7 consultation been initiated by another federal agency?

☐ Yes, Initiation letter attached (or mail copy separately if applying electronically) ☐ No

Has Section 10 consultation been initiated for the proposed project?

☐ Yes, Initiation letter attached (or mail copy separately if applying electronically) ☐ No

Box 12 Historic properties and cultural resources:

Please list any historic properties listed (or eligible to be listed) on the National Register of Historic Places:

- | | |
|----|----|
| a. | b. |
| c. | d. |
| e. | f. |

Are any cultural resources of any type known to exist on-site?

☐ Yes ☐ No

Has an archaeological records search been conducted?

☐ Yes, Report attached (or mail copy separately if applying electronically) ☐ No

Has a archaeological pedestrian survey been conducted for the site?

☐ Yes, Report attached (or mail copy separately if applying electronically) ☐ No

Has a Section 106 MOA been signed by another federal agency and the SHPO?

☐ Yes, Attached (or mail copy separately if applying electronically) ☐ No

If yes, list date MOA was signed:

Has Section 106 consultation been initiated by another federal agency?

☐ Yes, Initiation letter attached (or mail copy separately if applying electronically) ☐ No

Include multiple copies of Box 13 for separate sites.

Box 13 Proposed Compensatory Mitigation (site ___ of ___) related to fill/excavation and dredge activities. Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of waters of the United States proposed to be created, restored, enhanced and/or preserved for purposes of providing compensatory mitigation. Indicate water body type (wetland, riparian streambed, unvegetated streambed, lake, ocean, other) or non-jurisdictional (uplands⁵). Indicate mitigation type (on- or off-site by applicant, mitigation bank):

Water Body Type	Created	Restored	Enhanced	Preserved	Mitigation type
Example: wetland	0.8	0.2	-	-	On-site by app
Example: riparian stream	-	-	3.0	-	Mitigation bank
Totals:					

⁵ For uplands, please indicate if designed as an upland buffer.

If no mitigation is proposed, provide detailed explanation of why no mitigation would be necessary:

Has a draft/conceptual mitigation plan been prepared in accordance with the Army Corps of Engineers District guidelines? ☐ Yes, Attached (or mail copy separately if applying electronically) ☐ No

Mitigation site latitude & longitude (D/M/S, DD, or UTM):	USGS Quad map name:
Assessors parcel number:	Section, Township, Range, USGS Quadrangle Map, Latitude/Longitude:
Other location descriptions, if known:	

Directions to the mitigation location:

Box 14 Water Quality Certification (see instructions):

Applying for certification? ☐ Yes, Attached (or mail copy separately if applying electronically) ☐ No

Certification issued? ☐ Yes, Attached (or mail copy separately if applying electronically) ☐ No

Exempt? ☐ Yes ☐ No

If exempt, state why: Agency concurrence? ☐ Yes, Attached ☐ No

Box 15 Coastal Zone Management Act (see instructions):

Is the project located within the Coastal Zone? ☐ Yes ☐ No

If yes, applying for a coastal commission-approved Coastal Development Permit?

☐ Yes, Attached (or mail copy separately if applying electronically) ☐ No

If no, applying for separate CZMA-consistency certification?

☐ Yes, Attached (or mail copy separately if applying electronically) ☐ No

Permit/Consistency issued? ☐ Yes, Attached (or mail copy separately if applying electronically) ☐ No

Exempt? ☐ Yes ☐ No

If exempt, state why:

NWP General conditions (GC) checklist:

1. Navigation:

Project would be in compliance with GC? ☐ Yes ☐ No

2. Proper Maintenance:

Project would be in compliance with GC? ☐ Yes ☐ No

3. Erosion and Siltation Controls:

Project would be in compliance with GC? ☐ Yes ☐ No

4. Aquatic Life Movements:

Project would be in compliance with GC? ☐ Yes ☐ No

5. Equipment:

Project would be in compliance with GC? ☐ Yes ☐ No

6. Regional and Case-by-Case Conditions:

Complete the Regional Conditions checklist below.

Project would be in compliance with any Case-by-case conditions? ☐ Yes ☐ No

7. Wild and Scenic Rivers:

Project would be in compliance with GC? ☐ Yes ☐ No

8. Tribal Rights:

Project would be in compliance with GC? ☐ Yes ☐ No

9. Water Quality (401 Certification): see Box 14 above.**10. Coastal Zone Permit:** see Box 15 above.**11. Endangered Species:** see Box 11 above.**12. Historic Properties:** see Box 12 above.**13. Notification** (*Check mark and provide those that apply*)

☐ NWP 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43: Delineation

☐ NWP 7: Original Design Capacity & Configurations

☐ NWP 14: Compensatory Mitigation Proposal & written statement describing how temporary losses will be minimized to the maximum extent possible

☐ NWP 21: Office of Surface Mining or State-approved mitigation Plan

☐ NWP 27: Documentation of Prior Condition of Site

☐ NWP 29: Past use of NWP, statement of personal residence, parcel size description, land description

☐ NWP 31 (for repeat use): 5 year Maintenance Plan, baseline channel information, delineation, and disposal site information

☐ NWP 33: Restoration Plan

☐ NWP 39, 43, and 44: Written Statement on Avoidance and Minimization Measures

☐ NWP 39 and 42: Compensatory Mitigation Plan/Justifications of no plan

☐ NWP 40: Compensatory Mitigation Proposal

☐ NWP 43: Maintenance Plan (for new construction) and compensatory mitigation proposal

☐ NWP 44: Description of affected waters, minimization measures and reclamation plan

☐ NWPs 12, 14, 29, 39, 40, 42, 43, and 44: FEMA map, FEMA construction requirements and demonstration of FEMA compliance

14. Compliance Certification:

Applicant is aware of this post-construction requirement? ☐ Yes ☐ No

15. Use of Multiple Nationwide Permits:

Applicant is aware that if total proposed acreage of impact exceeds acreage limit of NWP with highest specified acreage, no NWP can be issued? ☐ Yes ☐ No

16. Water Supply Intakes:

Project would be in compliance with GC? ☐ Yes ☐ No

17. Shellfish Beds:

Shellfish beds present? ☐ Yes ☐ No

Project would be in compliance with GC? ☐ Yes ☐ No

18. Suitable Material:

Project would be in compliance with GC? ☐ Yes ☐ No

19. Mitigation:

Project would be in compliance with GC? ☐ Yes ☐ No

20. Spawning Areas :

Spawning areas present? ☐ Yes ☐ No

Project would be in compliance with GC? ☐ Yes ☐ No

21. Management of Water Flows:

Project would be in compliance with GC? ☐ Yes ☐ No

22. Adverse Effects From:

Project would be in compliance with GC? ☐ Yes ☐ No

23. Waterfowl Breeding Areas:

Waterfowl breeding areas present? ☐ Yes ☐ No

Project would be in compliance with GC? ☐ Yes ☐ No

24. Removal of Temporary Fills:

Project would be in compliance with GC? ☐ Yes ☐ No

25. Designated Critical Waters (*check mark those that apply*)

Includes:

- 1) ☐ NOAA designated marine sanctuaries,
- 2) ☐ National Wild and Scenic Rivers,
- 3) ☐ Critical habitat for Federally listed species,
- 4) ☐ Coral reefs,
- 5) ☐ State natural heritage sites,
- 6) ☐ Officially designated waters

Applicant is aware of the restrictions a) and b) below? ☐ Yes ☐ No

a) NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 : No NWP can be issued (except in certain cases described in full text of GC#25).

b) NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38:
Notification required.

26. Fills within 100-Year Floodplains:

Project would be within 100-year floodplains? ☐ Yes ☐ No

If yes, project would be in compliance with restrictions a) and b) below? ☐ Yes ☐ No

a) Discharges Below Headwaters (*below point of 5 cfs*) resulting in permanent above-grade fills:

NWP 29, 39, 40, 42, 43, and 44: No NWP can be issued.

NWP 12 and 14: Notification required.

b) Discharges in Headwaters (*above point of 5 cfs*) resulting in permanent above-grade fills:

Flood Fringe

NWP 12, 14, 29, 39, 40, 42, 43, and 44: Notification required.

Floodway

NWP 29, 39, 40, 42, 43, and 44: No NWP can be issued.

NWP 12 and 14: Notification required.

27. Construction Period

Applicant is aware of requirements below? ☐ Yes ☐ No

Non-Reporting NWP: (Work must be completed within 1 year of expiration of NWP (March 19, 2007) if under contract to construct or in construction by the NWP expiration date)

Reporting NWP: (Work may be authorized beyond expiration of NWP (March 19, 2007) to facilitate project construction schedules)

List date work in waters of the U.S. completed:

NWP-specific requirements checklist:

1. Nationwide 03 (case iii):

Evidence of damage (due to storm, flood, etc.) such as recent topographic surveys or photographs attached? ☐ Yes ☐ No

2. Nationwide 07:

NPDES permit or other proof of CWA Section 402 compliance attached? ☐ Yes ☐ No

3. Nationwides 13, 14, 18, 29, 39, 40, 42, 43, 44:

Activity/crossing must be part of a single and complete project.

Project would be in compliance with this requirement? ☐ Yes ☐ No

4. Nationwide 31:

As-built or approved engineering drawings for each structure attached? ☐ Yes ☐ No

5. Nationwide 40:

Documentation of an NRCS exemption, a NRCS-certified wetland delineation, and a NRCS-approved compensatory mitigation plan attached? ☐ Yes ☐ No

NWP Regional Conditions (RC) checklist:**SAN FRANCISCO DISTRICT****CORPS OF ENGINEERS****REGIONAL CONDITIONS FOR NATIONWIDE PERMITS****A. Regional Conditions that apply to all NWPs in the San Francisco District:**

1. Notification to the Corps (as per General Condition No. 13) is required for any activity permitted by NWP if it will take place in waters or wetlands of the U.S. that are within the San Francisco Bay diked baylands (undeveloped areas currently behind levees that are within the historic margin of the Bay. Diked historic baylands are those areas on the Nichols and Wright map below the 5-foot contour line, National Geodetic Vertical Datum (NGVD) (see Nichols, D.R., and N. A. Wright. 1971. Preliminary map of historic margins of marshland, San Francisco Bay, California. U.S. Geological Survey Open File Map)). The notification will explain how avoidance and minimization of losses of waters or wetlands are taken into consideration to the maximum extent practicable (see General Condition 19(a)).
2. Notification to the Corps (as per General Condition No. 13), including a compensatory mitigation plan, is required for any activity permitted by NWP if it will take place in eelgrass beds.
3. Notification to the Corps (as per General Condition No.13) is required for any activity permitted by NWP in Essential Fish Habitat (EFH) designated by the Pacific Fishery Management Council (examples of designated EFH are, but not limited to: the Pacific Ocean, estuaries like Tomales, San Francisco and Humboldt Bays, and watersheds utilized by coho and chinook salmon). Notification under this regional condition is not required if another Federal agency completed consultation with the National Marine Fisheries Service on EFH, and the project is either authorized by a non-reporting NWP, or does not require notification by another regional condition.
4. Mitigation that is required by special condition to the permitted activity shall be completed before or concurrent with project construction. Where project mitigation involves the use of a mitigation bank or in-lieu fee, the required payment must be made before commencing construction of the permitted activity. If the permittee cannot comply with this condition, the permittee shall provide the Corps

with sound reasons why this condition cannot be met, and shall propose reasonable alternatives to ensure the required mitigation will be fully met and completed in a timely manner.

5. For NWP's 39, 40, 42 and 43, the 300 linear foot limitation for intermittent streams **includes ephemeral** streams. Any request to waive the 300 linear foot limitation for intermittent (including ephemeral) streams must include an analysis of the impacts to the stream environment, measures taken to avoid and minimize losses (as per General Condition 13 (b)(12)), other measures to avoid and minimize filling but were found not to be practical, and a mitigation plan as to how the unavoidable losses will be offset."

B. Regional Conditions that apply to specific nationwide permits:

3. MAINTENANCE

1. To the extent practicable, excavation equipment shall work from an upland site (e.g., from the top of the bank, the road bed of the bridge or culverted road crossing) to minimize adding fill into waters of the U.S. If it is not practicable to work from an upland site, or if working from the upland site would cause more environmental damage than working in the stream channel, the excavation equipment can be located within the stream channel but it must minimize disturbance to the channel (other than the removal of accumulated sediments or debris). As part of the notification to the Corps (General Condition No. 13), an explanation as to the need to place excavation equipment in waters of the U.S. is required, as well as a statement of any additional necessary fill (e.g., cofferdams, access road, fill below the OHW mark for a staging area, etc.)."

3(ii). MAINTENANCE

1. If the activity is proposed in a special aquatic site, the notification shall include an explanation of why the special aquatic site cannot be avoided, and measures to be taken to minimize impacts to the special aquatic site.

7. OUTFALL STRUCTURES AND MAINTENANCE.

1. To the extent practicable, excavation equipment shall work from an upland site (e.g., from the top of the bank, the road bed of the bridge or culverted road crossing) to minimize adding fill into waters of the U.S. If it is not practicable to work from an upland site, or if working from the upland site would cause more environmental damage than working in the stream channel, the excavation equipment can be located within the stream channel but it must minimize disturbance to the channel (other than the removal of accumulated sediments or debris). As part of the notification to the Corps (General Condition No. 13), an explanation as to the need to place excavation equipment in waters of the U.S. is required, as well as an explanation of any additional necessary fill (e.g., cofferdams, access road, fill below the OHW mark for a staging area, etc.)."

11. TEMPORARY RECREATIONAL STRUCTURES

1. Notification to the Corps is required (as per General Condition No. 13) if any temporary structures are proposed in wetlands or vegetated shallow water areas (e.g. in eelgrass beds). The notification shall include the type of habitat and areal extent affected by the structures.
2. The temporary structure(s) must be removed within 6 months of its placement unless otherwise approved for a longer period not to exceed 1 year by the District Engineer.

12. UTILITY LINE ACTIVITIES

1. The upper 12 inches of the trench dug for placement or removal of utility lines shall be backfilled with native material taken from the trench. Where trenches are dug in wetlands, the upper 12 inches of material must be stored separately from other material removed from the trench. This upper 12 inches of material shall be placed back into the trench as the last material added to restore the original contour.

2. Excess material removed from the trench shall be disposed of at an upland site away from any wetlands or other waters of the U.S. so as to prevent this material from being washed into aquatic areas.
3. For the Santa Rosa Plain (see Figure 1), notification are required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 1/10 acre or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the 'Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain.'

12(ii). UTILITY LINE SUBSTATIONS

1. Nationwide Permit 12(ii) is revoked because utility line substations generally do not requiring being sited in waters or wetlands.

12(iv). ACCESS ROADS

1. Notification is required for all access roads greater than 200 feet in length constructed in waters of the United States.
2. Access roads shall be designed to be the minimum width necessary. Notification will be required for any road wider than 15 feet, as measured at the toe of the proposed road to be built in waters of the United States.
3. The following Best Management Practices (BMPs) shall be followed to the maximum extent practicable to assure that flow and circulation patterns of waters are not impaired and adverse effects on the aquatic environment will be kept to a minimum:
 - a. Stream channelization is not authorized.
 - b. The road fill shall be designed to minimize changes to the hydraulic flow characteristics of the stream and degradation of water quality (see General Conditions 9 and 21).
 - c. The road shall be properly stabilized and maintained during and following construction to prevent erosion.
 - d. Construction of the road fill shall be made in a manner that minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within waters of the United States (including adjacent wetlands) that lie outside the lateral boundaries of the fill itself.
 - e. Vegetative disturbance in the waters of the U.S. shall be kept to a minimum.
 - f. Borrow material shall be taken from upland sources whenever feasible.
 - g. All temporary fills shall be removed in their entirety and the area restored to its original elevation within 6 months of project completion.

13. BANK STABILIZATION

1. Where the removal of wetland vegetation (including riparian wetland trees, shrubs and other plants) or submerged, rooted, aquatic plants over a cumulative area greater than 1/10 acre is proposed, the Corps shall be notified in accordance with General Condition No. 13. The notification shall include the type of vegetation and extent (e.g., areal dimension or number of trees) of the proposed removal.
2. This permit allows excavating a toe trench in waters of the U.S., and, if necessary, to use the material for backfill behind the stabilizing structure. Excess material is to be disposed of in a manner that will have only minimal impacts to the aquatic environment.
3. For man-made banks, roads or levees damaged by storms or high flows, the one cubic yard per running foot limit for NWP 13 is counted only for that additional fill which encroaches (extends) beyond the pre-flood or pre-storm shoreline condition of the waterway. It is not counted for the fill that would be placed just to reconstruct the original dimensions of the eroded, man-made shoreline.
4. For natural berms and banks, the one cubic yard per running foot limit applies to any added armoring.
5. To the maximum extent practicable, any new or additional bank stabilization must incorporate structures or modifications beneficial to fish and wildlife (e.g., soil bioengineering or biotechnical design, root wads, large woody debris, etc.). Where these structures or modifications are not used, the applicant shall demonstrate why they were not considered practicable.

6. As part of the notification requirement for bank stabilization activities in excess of 500 feet in length, the project proponent shall address the effect of the bank stabilization on the stability of the opposite side of the streambank (if it is not part of the stabilization activity), and on adjacent property upstream and downstream of the activity.

14. LINEAR TRANSPORTATION PROJECTS

1. This permit does not authorize construction of new airport runways and taxiways.
2. To the maximum extent practicable, any new or additional bank stabilization required for the crossing must incorporate structures or modifications beneficial to fish and wildlife (e.g., soil bioengineering or biotechnical design, root wads, large woody debris, etc.) The requirements of NWP General Condition 13 will apply to this regional condition.
3. For the Santa Rosa Plain (see Figure 1), notification is required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 1/10 acre or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of NWP General Condition 13 will apply to this regional condition.

23. APPROVED CATEGORICAL EXCLUSIONS

Use of this NWP requires notification to the Corps. The Pre-Construction Notification (PCN) shall include the following:

- a. A copy of the Federal Categorical Exclusion (Cat/Ex) document signed by the appropriate federal agency. If the Cat/Ex is signed by a state or local agency representative instead of by a federal agency representative, then copies of all documentation authorizing alternative agency signature shall be on file at the San Francisco District Regulatory Branch.
- b. Only activities specifically described in the Cat/Ex project description will be covered by the NWP 23 authorization. If other activities not described in the Cat/Ex project description will be performed (e.g., dewatering, slope protection, etc.), these activities must receive separate NWP authorizations, if applicable.
- c. The lead Federal agency (Cat/Ex signatory) or its designated non-Federal representative shall perform all formal and/or informal consultation required pursuant to Section 7 of the Endangered Species Act (ESA), as amended. All documentation resulting from such consultation shall be provided along with the PCN.
- d. If the project would not result in impacts to federally-listed species, then the federal lead agency (Cat/Ex signatory) or its designated non-Federal representative shall provide written documentation of no effect along with the PCN.
- e. Written description of Corps authority (e.g., Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act.)
- f. List of conditions described in the Cat/Ex and/or attachments outlining measures that must be taken prior to, during or after project construction to minimize impacts to the aquatic environment, if any.
- g. A copy of the jurisdictional delineation performed by qualified specialists showing the project limits and the location (delineated boundaries) of Corps jurisdiction within the overall project limits.
- h. A map(s) showing the locations of potential permanent and temporary project impacts to areas within Corps jurisdiction.
- i. A clear and concise description of all project impacts including, but not necessarily limited to,
 - a) quantification and description of permanent project impacts to areas within Corps jurisdiction,
 - b) quantification and description of temporary impacts to areas within Corps jurisdiction, and
 - c) linear extent of Corps jurisdiction affected by the project.
- j. General description of activities covered by the Cat/Ex that do not require Corps authorization but are connected or related to the activities in Corps jurisdiction.
- k. A complete description of any proposed mitigation and/or restoration including, but not necessarily limited to, locations of any proposed planting, short- and long-term maintenance, proposed monitoring, success criteria and contingency plans.
- l. Written justification of how the project complies with the Nationwide Permit Program including less than minimal impact to the aquatic environment and compliance with the General Conditions.

- m. For Federal Highway Administration (FHWA) Cat/Ex projects, the PCN should describe how activities described in the Cat/Ex meet the description of Cat/Ex project published in the August 28, 1987 Federal Register part 771.117 (a)(b)(c) and (d) (Volume 52, No. 167) or any updated version published in the Federal Register.

35. MAINTENANCE DREDGING OF EXISTING BASINS:

- 1. Use of this NWP will require notification to the Corps in accordance with General Condition No. 13. The notification must include the location of the proposed upland disposal site, and evidence to demonstrate that no portion of the disposal site is a water of the U.S., including wetlands.
- 2. The U.S. Coast Guard will be notified by the permittee at least 10 days before dredging commences if the activity occurs in navigable waters of the U.S. (Section 10 waters).

39. RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL DEVELOPMENTS

- 1. For the Santa Rosa Plain (see Figure 1), notification is required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 1/10 acre or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of NWP General Condition 13 will apply to this regional condition.
- 2. Notification to the Corps is required for the loss of any open waters, including **ephemeral**, perennial, or intermittent streams, below the ordinary high water mark. The requirements of NWP General Condition 13 will apply to this regional condition.

40. AGRICULTURAL ACTIVITIES

- 1. All mitigation plans submitted pursuant to Terms and Conditions "b." "c.", and "d." are subject to Corps review and approval.
- 2. This NWP does not authorize fills or discharges into the channel of a perennial or intermittent watercourse that could impede high flows. This limitation does not include narrow, intermittent or ephemeral watercourses that flow only when there is an irregular, extraordinary flood event.
- 3. For the Santa Rosa Plain (see Figure 1), notification is required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 1/10 acre or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of NWP General Condition 13 will apply to this regional condition.

41. RESHAPING EXISTING DRAINAGE DITCHES

- 1. Compensatory mitigation may be required if the Corps determines there will be a detrimental impact to aquatic habitat.
- 2. Notification to the Corps is required if the applicant proposes to regrade, discharge, install channel lining, or redeposit fill material. The requirements of NWP General Condition 13 will apply to this regional condition.
- 3. For the Santa Rosa Plain, notification is required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 1/10 acre, 500 linear feet or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of NWP General Condition 13 will apply to this regional condition.
- 4. The notification shall include an explanation of the project's benefit to water quality.

42. RECREATIONAL FACILITIES

- 1. This permit does not authorize golf courses or ski areas.
- 2. If buildings are proposed to be built in waters of the United States, including wetlands, the applicant must demonstrate that there is no on-site practicable alternative that is less environmentally damaging as defined by the Section 404(b)(1) guidelines.

3. For the Santa Rosa Plain (see Figure 1), notification is required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 1/10 acre or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of NWP General Condition 13 will apply to this regional condition.
4. Notification to the Corps is required for the loss of any open waters, including **ephemeral**, perennial, or intermittent streams, below the ordinary high water mark. The requirements of NWP General Condition 13 will apply to this regional condition.

43. STORMWATER MANAGEMENT FACILITIES

1. For the Santa Rosa Plain (see Figure 1), notification is required to discharge into seasonal wetlands (including vernal pools) even for proposed losses of 1/10 acre or less. The notification shall include a complete Habitat Quality Evaluation performed according to the most recent version of the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain." The requirements of NWP General Condition 13 will apply to this regional condition.

44. MINING ACTIVITIES

Nationwide Permit 44 is revoked."

C. Amendments to General Conditions

1. General Condition No. 13(b)(3), Content of Notification: Drawings are always required. The drawings can be schematic but should contain, at minimum, an appropriate title block, legends and scales (if practical), amount (in cubic yards) and size (in acreage or fraction thereof) of fill or activity in Corps jurisdiction, including both permanent and temporary fills/structures. If a waterbody is involved, the ordinary high water mark, estimated highest tide line or mean high water mark should be shown (in feet), if possible, based on NGVD or other appropriate referenced elevation. The drawings should clearly depict the project location, and include plan and cross-section views.
2. General Condition No. 19(f), Mitigation (in reference to vegetated buffers): If the permittee requests the District Engineer to waive or reduce the requirement to provide wetland compensatory mitigation by providing vegetated buffers, the permittee shall provide documentation as to how the vegetated buffers are better for the aquatic environment than more wetland compensatory mitigation.

End of form

Instructions:

1) Box 5:

- a. **Nature of Activity:** Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms. The written descriptions and illustrations are an important part of the

application. Please describe, in detail, what you wish to do. If more space is needed, attach a separate sheet marked "Box 5 Nature of Activity."

- b. **Proposed Project Purpose:** Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project.

2) Box 6:

- a. Corps jurisdiction consists of waters of the U.S. Waters of the U.S. are defined under 33 CFR part 329 as "navigable waters of the United States" and/or under 33 CFR part 328.3(a) as "waters of the United States." Under Section 404 of the Clean water Act, either the ordinary high water mark (non-tidal) or the high tide line (tidal), as well as any adjacent wetlands, demarcate waters of the U.S. Under Section 10 of the Rivers and Harbors Act, either the mean high water mark (tidal) or the ordinary high water mark (non-tidal), as well as any adjacent wetlands, demarcate waters of the U.S. Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (1987 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
- b. **Required drawings:** Submit one legible copy of all drawings (8 1/2 x 11-inch or 11 x 17-inch) with a 1-inch margin around the entire sheet. The title box shall contain the title of proposed activity, name of water body, county, city, date, and sheet number.
 - i. Vicinity map: Cover an area large enough so the project can be easily located, include arrow marking the project area, Identifiable land marks, name or number of roads, north arrow, and scale.
 - ii. Plan view: Include existing bank lines, ordinary high water mark line(s), average water depth around the activity, dimensions of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, north arrow, scale.
 - iii. Elevation and/or cross-section views: water elevation as shown on plan view drawing, dimensions of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, scale

- 3) **Box 14:** You may need State water quality certification from the appropriate state or tribal agency (e.g., Regional Water Quality Control Board for non-tribal California lands). You need not have obtained water quality certification before applying for a Corps nationwide permit verification.
- 4) **Box 15:** You may need a federal coastal consistency certification under the Coastal Zone Management Act from the appropriate state agency (e.g., California Coastal Commission for California Coastal Commission). You need not have obtained federal coastal consistency certification before applying for a Corps nationwide permit verification.

Figure 1. Map of the Santa Rosa Plain, Sonoma County, California.

